

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1181, 1100, 1262 & 1263

94TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Energy and the Environment, April 17, 2008, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 1181, 1100, 1262 and 1263, adopted April 23, 2008.

Taken up for Perfection April 23, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

5267S.05P

AN ACT

To repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 143.121, and 170.011, RSMo, and to enact in lieu thereof forty new sections relating to energy efficiency, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753,
2 30.756, 30.758, 30.760, 30.765, 143.121, and 170.011, RSMo, are repealed and
3 forty new sections enacted in lieu thereof, to be known as sections 8.295, 8.800,
4 8.810, 8.812, 8.815, 8.837, 8.852, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765,
5 143.121, 144.526, 170.011, 251.650, 260.1050, 260.1053, 260.1059, 260.1062,
6 260.1065, 260.1068, 260.1071, 260.1074, 260.1077, 260.1080, 260.1083, 260.1089,
7 260.1092, 260.1101, 386.850, 640.153, 640.157, 701.500, 701.503, 701.506,
8 701.509, 701.512, and 701.515, to read as follows:

**8.295. Up to ten percent of the amount appropriated each year
2 from the Facilities Maintenance Reserve Fund created in Section 27(b)
3 of Article IV of the Missouri Constitution shall be expended on
4 maintenance, repair, or renovation projects that are otherwise
5 allowable under the constitution but that are also considered energy
6 projects with a twenty year payback or less.**

8.800. As used in sections 8.800 to 8.825, the following terms mean:

2 (1) "Builder", the prime contractor that hires and coordinates building

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 subcontractors or if there is no prime contractor, the contractor that completes
4 more than fifty percent of the total construction work performed on the
5 building. Construction work includes, but is not limited to, foundation, framing,
6 wiring, plumbing and finishing work;

7 (2) "Department", the department of natural resources;

8 (3) "Designer", the architect, engineer, landscape architect, builder,
9 interior designer or other person who performs the actual design work or is under
10 the direct supervision and responsibility of the person who performs the actual
11 design work;

12 (4) "District heating and cooling systems", heat pump systems which use
13 waste heat from factories, sewage treatment plants, municipal solid waste
14 incineration, lighting and other heat sources in office buildings or which use
15 ambient thermal energy from sources including temperature differences in rivers
16 to provide regional heating or cooling;

17 (5) "Division", the division of design and construction;

18 (6) "Energy efficiency", the increased productivity or effectiveness of
19 energy resources use, the reduction of energy consumption, or the use of
20 renewable energy sources;

21 (7) "Gray water", all domestic wastewater from a state building except
22 wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

23 (8) "Life cycle costs", the costs associated with the initial construction or
24 renovation and the proposed energy consumption, operation and maintenance
25 costs over the useful life of a state building or over the first twenty-five years
26 after the construction or renovation is completed;

27 (9) "Public building", a building owned or operated by a governmental
28 subdivision of the state, including, but not limited to, a city, county or school
29 district;

30 (10) "Renewable energy source", a source of thermal, mechanical or
31 electrical energy produced from solar, wind, low-head hydropower, biomass,
32 hydrogen or geothermal sources, but not from the incineration of hazardous
33 waste, municipal solid waste or sludge from sewage treatment facilities;

34 (11) "State agency", a department, commission, authority, office, college
35 or university of this state;

36 (12) "State building", a building owned by this state or an agency of this
37 state;

38 **(13) "Substantial renovation" or "substantially renovated",**

39 **modifications that will affect at least fifty percent of the square footage**
40 **of the building or modifications that will cost at least fifty percent of**
41 **the building's fair market value.**

8.810. 1. In addition to all other requirements imposed by law, the
2 director of the division shall require, for construction of a state building or
3 substantial renovation of an existing state building when major energy systems
4 are involved, that a design professional submit an analysis which meets the
5 design program's space and use requirements and reflects the lowest life cycle
6 cost possible in light of existing commercially available technology. The analysis,
7 using existing commercially available technology, shall include, but shall not be
8 limited to, designs which use renewable energy sources, earth-sheltered
9 construction, systems to recover and use waste heat, thermal storage heat pump
10 systems, ambient thermal energy, district heating and cooling systems, devices
11 to reduce water consumption, and plumbing systems to recover gray water for
12 appropriate reuse.

13 2. The director of the division shall not let a contract after January 1,
14 1996, for construction of a state building or substantial renovation of an existing
15 state building when major energy systems are involved before completing an
16 evaluation of the design documents and construction documents based upon life
17 cycle cost factors and the minimum energy efficiency standard established in
18 subsection 1 of section 8.812.

19 **3. Any design documents submitted to the division under this**
20 **section shall, in addition to any other requirements under law, include**
21 **a projection of the energy savings that will result from the design**
22 **features that are employed in order to comply with the minimum**
23 **energy efficiency standard established in subsection 1 of section 8.812.**

8.812. 1. By January 1, [1995] **2009**, the department[, in consultation
2 with the division and the voluntary working group created in subsection 1 of
3 section 8.815,] shall establish, by rule, a minimum energy efficiency standard for
4 construction of a state building **over five thousand square feet**, substantial
5 renovation of a state building **over five thousand square feet** when major
6 energy systems are involved or a building **over five thousand square feet**
7 which the state or state agency considers for acquisition or lease. Such standard
8 shall be at least as stringent as the [American Society of Heating, Refrigerating
9 and Air Conditioning Engineers (ASHRAE) Standard 90] **International Energy**
10 **Conservation Code 2006, or the latest [revision] version thereof.**

11 2. All design which is initiated on or after July 1, [1995] **2009**, for
12 construction of a state building **over five thousand square feet** or substantial
13 renovation of a state building **over five thousand square feet** when major
14 energy systems are involved or any building **over five thousand square feet**
15 which the state or state agency considers for acquisition or lease after July 1,
16 [1995] **2009**, shall meet applicable provisions of the minimum energy efficiency
17 standard.

18 **3. The commissioner of the office of administration may exempt**
19 **any building from the requirements of subsection 2 of this section:**

20 **(1) When compliance with the minimum energy efficiency**
21 **standard may compromise the safety of the building or any of its**
22 **occupants; or**

23 **(2) When the cost of compliance is expected to exceed the**
24 **projected energy cost savings gained.**

 8.815. The department and the division shall establish a voluntary
2 working group of persons and interest groups with expertise in energy efficiency,
3 including, but not limited to, such persons as electrical engineers, mechanical
4 engineers, builders, **contractors**, architects, landscape architects, **interior**
5 **designers**, nonprofit organizations, **persons affiliated with gas or electric**
6 **utilities**, and persons with expertise in solar and renewable energy forms. The
7 voluntary working group shall advise the department on the development of the
8 energy efficiency standard and shall assist the department in implementation of
9 the standard by recommending, reviewing and coordinating education programs
10 for designers, builders, businesses and other interested persons to facilitate
11 incorporation of the standard into existing practices.

 8.837. 1. By [July 1, 1994] **January 1, 2009**, the department shall
2 establish, by rule, a minimum energy efficiency standard for new and
3 substantially renovated state buildings **over five thousand square feet** which
4 shall be at least as stringent as the [American Society of Heating, Refrigerating
5 and Air Conditioning Engineers (ASHRAE) Standard 90.01-1989, as revised, and
6 shall be at least as stringent as any statewide energy efficiency standard required
7 pursuant to the Energy Policy Act of 1992 (Public Law 102-486)] **International**
8 **Energy Conservation Code 2006, or the latest version thereof.**

9 2. All new or substantially renovated state buildings **over five thousand**
10 **square feet** for which design of such construction or renovation is initiated on
11 or after July 1, [1994] **2009**, shall meet applicable provisions of the minimum

12 energy efficiency standard.

8.852. On or after July 1, 2016, at least ten percent of the
2 electricity used by the state government shall come from a renewable
3 energy source or sources, to the extent that such renewable energy
4 sources are available. On and after July 1, 2026, at least twenty percent
5 of the electricity used by the state government shall come from a
6 renewable energy source or sources, to the extent that such renewable
7 energy sources are available. The provisions of this section shall not
8 apply to political subdivisions of the state, but shall not preclude a
9 political subdivision from voluntarily complying with this section.

30.750. As used in sections 30.750 to 30.767, the following terms mean:

- 2 (1) "Eligible agribusiness", a person engaged in the processing or adding
3 of value to agricultural products produced in Missouri;
- 4 (2) "Eligible alternative energy operation", a business enterprise
5 engaged in the production and sale of fuel or power from energy
6 sources other than fossil fuels, including but not limited to solar,
7 hydroelectric, wind, and qualified biomass. Such business enterprise
8 shall conform to the characteristics of paragraphs (a), (b), and (d) of
9 subdivision (5) of this section;
- 10 (3) "Eligible beginning farmer",
- 11 (a) For any beginning farmer who seeks to participate in the linked
12 deposit program alone, a farmer who:
- 13 a. Is a Missouri resident;
- 14 b. Wishes to borrow for a farm operation located in Missouri;
- 15 c. Is at least eighteen years old; and
- 16 d. In the preceding five years has not owned, either directly or indirectly,
17 farm land greater than fifty percent of the average size farm in the county where
18 the proposed farm operation is located or farm land with an appraised value
19 greater than four hundred fifty thousand dollars.
- 20 A farmer who qualifies as an eligible farmer under this provision may utilize the
21 proceeds of a linked deposit loan to purchase agricultural land, farm buildings,
22 new and used farm equipment, livestock and working capital;
- 23 (b) For any beginning farmer who is participating in both the linked
24 deposit program and the beginning farmer loan program administered by the
25 Missouri agriculture and small business development authority, a farmer who:
- 26 a. Qualifies under the definition of a beginning farmer utilized for

27 eligibility for federal tax-exempt financing, including the limitations on the use
28 of loan proceeds; and

29 b. Meets all other requirements established by the Missouri agriculture
30 and small business development authority;

31 [(3)] (4) "Eligible facility borrower", a borrower qualified under section
32 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.767;

33 [(4)] (5) "Eligible farming operation", any person engaged in farming in
34 an authorized farm corporation, family farm, or family farm corporation as
35 defined in section 350.010, RSMo, that has all of the following characteristics:

36 (a) Is headquartered in this state;

37 (b) Maintains offices, operating facilities, or farming operations and
38 transacts business in this state;

39 (c) Employs less than ten employees;

40 (d) Is organized for profit;

41 (e) Possesses not more than sixty percent equity, where "percent equity"
42 is defined as total assets minus total liabilities divided by total assets, except
43 that an otherwise eligible farming operation applying for a loan for the purpose
44 of installing or improving a waste management practice in order to comply with
45 environmental protection regulations shall be exempt from this eligibility
46 requirement;

47 [(5)] (6) "Eligible higher education institution", any approved public or
48 private institution as defined in section 173.205, RSMo;

49 [(6)] (7) "Eligible job enhancement business", a new, existing, or
50 expanding firm operating in Missouri, or as a condition of accepting the linked
51 deposit, will locate a facility or office in Missouri associated with said linked
52 deposit, which employs ten or more employees in Missouri on a yearly average
53 and which, as nearly as possible, is able to establish or retain at least one job in
54 Missouri for each fifty thousand dollars received from a linked deposit loan;

55 [(7)] (8) "Eligible lending institution", a financial institution that is
56 eligible to make commercial or agricultural or student loans or discount or
57 purchase such loans, is a public depository of state funds or obtains its funds
58 through the issuance of obligations, either directly or through a related entity,
59 eligible for the placement of state funds under the provisions of section 15, article
60 IV, Constitution of Missouri, and agrees to participate in the linked deposit
61 program;

62 [(8)] (9) "Eligible livestock operation", any person engaged in production

63 of livestock or poultry in an authorized farm corporation, family farm, or family
64 farm corporation as defined in section 350.010, RSMo;

65 ~~[(9)]~~ **(10)** "Eligible locally owned business", any person seeking to
66 establish a new firm, partnership, cooperative company, or corporation that shall
67 retain at least fifty-one percent ownership by residents in a county in which the
68 business is headquartered, that consists of the following characteristics:

69 (a) The county has a median population of twelve thousand five hundred
70 or less; and

71 (b) The median income of residents in the county are equal to or less than
72 the state median income; or

73 (c) The unemployment rate of the county is equal to or greater than the
74 state's unemployment rate;

75 ~~[(10)]~~ **(11)** "Eligible marketing enterprise", a business enterprise
76 operating in this state which is in the process of marketing its goods, products or
77 services within or outside of this state or overseas, which marketing is designed
78 to increase manufacturing, transportation, mining, communications, or other
79 enterprises in this state, which has proposed its marketing plan and strategy to
80 the department of economic development and which plan and strategy has been
81 approved by the department for purposes of eligibility pursuant to sections 30.750
82 to 30.767. Such business enterprise shall conform to the characteristics of
83 paragraphs (a), (b) and (d) of subdivision ~~[(4)]~~ **(5)** of this section and also employ
84 less than twenty-five employees;

85 ~~[(11)]~~ **(12)** "Eligible multitenant development enterprise", a new
86 enterprise that develops multitenant space for targeted industries as determined
87 by the department of economic development and approved by the department for
88 the purposes of eligibility pursuant to sections 30.750 to 30.767;

89 ~~[(12)]~~ **(13)** "Eligible residential property developer", an individual who
90 purchases and develops a residential structure of either two or four units, if such
91 residential property developer uses and agrees to continue to use, for at least the
92 five years immediately following the date of issuance of the linked deposit loan,
93 one of the units as his principal residence or if such person's principal residence
94 is located within one-half mile from the developed structure and such person
95 agrees to maintain the principal residence within one-half mile of the developed
96 structure for at least the five years immediately following the date of issuance of
97 the linked deposit loan;

98 ~~[(13)]~~ **(14)** "Eligible residential property owner", a person, firm or

99 corporation who purchases, develops or rehabilitates a multifamily residential
100 structure;

101 [(14)] **(15)** "Eligible small business", a person engaged in an activity with
102 the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and
103 which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision
104 [(4)] **(5)** of this section, and also employs less than twenty-five employees;

105 [(15)] **(16)** "Eligible student borrower", any person attending, or the
106 parent of a dependent undergraduate attending, an eligible higher education
107 institution in Missouri who may or may not qualify for need-based student
108 financial aid calculated by the federal analysis called Congressional Methodology
109 Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education
110 Amendments of 1986);

111 [(16)] **(17)** "Eligible water supply system", a water system which serves
112 fewer than fifty thousand persons and which is owned and operated by:

113 (a) A public water supply district established pursuant to chapter 247,
114 RSMo; or

115 (b) A municipality or other political subdivision; or

116 (c) A water corporation;

117 and which is certified by the department of natural resources in accordance with
118 its rules and regulations to have suffered a significant decrease in its capacity to
119 meet its service needs as a result of drought;

120 [(17)] **(18)** "Farming", using or cultivating land for the production of
121 agricultural crops, livestock or livestock products, forest products, poultry or
122 poultry products, milk or dairy products, or fruit or other horticultural products;

123 [(18)] **(19)** "Linked deposit", a certificate of deposit, or in the case of
124 production credit associations, the subscription or purchase outright of obligations
125 described in section 15, article IV, Constitution of Missouri, placed by the state
126 treasurer with an eligible lending institution at rates otherwise provided by law
127 in section 30.758, provided the institution agrees to lend the value of such
128 deposit, according to the deposit agreement provided in sections 30.750 to 30.767,
129 to eligible small businesses, **eligible alternative energy operations**, eligible
130 locally owned businesses, farming operations, eligible job enhancement
131 businesses, eligible marketing enterprises, eligible residential property
132 developers, eligible residential property owners, eligible agribusinesses, eligible
133 beginning farmers, eligible livestock operations, eligible student borrowers,
134 eligible facility borrowers, or eligible water supply systems at below the present

135 borrowing rate applicable to each small business, farming operation, eligible job
136 enhancement business, eligible marketing enterprise, eligible residential property
137 developer, eligible residential property owner, eligible agribusiness, eligible
138 beginning farmer, eligible livestock operation, eligible student borrower, or supply
139 system at the time of the deposit of state funds in the institution;

140 [(19)] (20) "Market rate", the interest rate tied to federal government
141 securities and more specifically described in subsection 4 of section 30.260;

142 (21) "Professional forester", any individual who holds a bachelor
143 of science degree in forestry from a regionally accredited college or
144 university with a minimum of two years of professional forest
145 management experience;

146 (22) "Qualified biomass", any agriculture-derived organic
147 material or any wood-derived organic material harvested in accordance
148 with a site specific forest management plan focused on long-term forest
149 sustainability developed by a professional forester and qualified, in
150 consultation with the conservation commission, by the agriculture and
151 small business development authority;

152 [(20)] (23) "Water corporation", as such term is defined in section
153 386.020, RSMo;

154 [(21)] (24) "Water system", as such term is defined in section 386.020,
155 RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the
2 total amount so deposited at any one time shall not exceed, in the aggregate,
3 seven hundred twenty million dollars. No more than three hundred thirty million
4 dollars of the aggregate deposit shall be used for linked deposits to eligible
5 farming operations, eligible locally owned businesses, eligible agribusinesses,
6 eligible beginning farmers, eligible livestock operations, and eligible facility
7 borrowers, no more than one hundred ten million of the aggregate deposit shall
8 be used for linked deposits to small businesses, no more than twenty million
9 dollars shall be used for linked deposits to eligible multitenant development
10 enterprises, and no more than twenty million dollars of the aggregate deposit
11 shall be used for linked deposits to eligible residential property developers and
12 eligible residential property owners, no more than two hundred twenty million
13 dollars of the aggregate deposit shall be used for linked deposits to eligible job
14 enhancement businesses and no more than twenty million dollars of the aggregate
15 deposit shall be used for linked deposit loans to eligible water systems. Linked

16 deposit loans may be made to eligible student borrowers **and eligible**
17 **alternative energy operations** from the aggregate deposit. If demand for a
18 particular type of linked deposit exceeds the initial allocation, and funds initially
19 allocated to another type are available and not in demand, the state treasurer
20 may commingle allocations among the types of linked deposits.

21 2. The minimum deposit to be made by the state treasurer to an eligible
22 lending institution for eligible job enhancement business loans shall be ninety
23 thousand dollars. Linked deposit loans for eligible job enhancement businesses
24 may be made for the purposes of assisting with relocation expenses, working
25 capital, interim construction, inventory, site development, machinery and
26 equipment, or other expenses necessary to create or retain jobs in the recipient
27 firm.

30.756. 1. An eligible lending institution that desires to receive a linked
2 deposit shall accept and review applications for linked deposit loans from eligible
3 multitenant enterprises, eligible farming operations, **eligible alternative**
4 **energy operations**, eligible locally owned businesses, eligible small businesses,
5 eligible job enhancement businesses, eligible marketing enterprises, eligible
6 agribusinesses, eligible beginning farmers, eligible livestock operations, eligible
7 residential property developers, eligible residential property owners, eligible
8 student borrowers, eligible facility borrowers, and eligible water supply systems.
9 An eligible residential property owner shall certify on his or her loan application
10 that the reduced rate loan will be used exclusively to purchase, develop or
11 rehabilitate a multifamily residential property. The lending institution shall
12 apply all usual lending standards to determine the creditworthiness of each
13 eligible multitenant enterprise, eligible farming operation, **eligible alternative**
14 **energy operation**, eligible locally owned business, eligible small business,
15 eligible job enhancement business, eligible marketing enterprise, eligible
16 residential property developer, eligible residential property owner, eligible
17 agribusiness, eligible beginning farmer, eligible livestock operation, eligible
18 student borrower, eligible facility borrower, or eligible water supply system. No
19 linked deposit loan made to any eligible farming operation, **eligible alternative**
20 **energy operation**, eligible locally owned business, eligible livestock operation,
21 eligible agribusiness or eligible small business shall exceed a dollar limit
22 determined by the state treasurer in the state treasurer's best judgment, except
23 as otherwise limited. Any link deposit loan made to an eligible facility borrower
24 shall be in accordance with the loan amount and loan term requirements in

25 section 30.860.

26 2. An eligible farming operation, small business or job enhancement
27 business shall certify on its loan application that the reduced rate loan will be
28 used exclusively for necessary production expenses or the expenses listed in
29 subsection 2 of section 30.753 or the refinancing of an existing loan for production
30 expenses or the expenses listed in subsection 2 of section 30.753 of an eligible
31 farming operation, small business or job enhancement business. Whoever
32 knowingly makes a false statement concerning such application is guilty of a class
33 A misdemeanor. An eligible water supply system shall certify on its loan
34 application that the reduced rate loan shall be used exclusively to pay the costs
35 of upgrading or repairing an existing water system, constructing a new water
36 system, or making other capital improvements to a water system which are
37 necessary to improve the service capacity of the system.

38 3. In considering which eligible farming operations should receive
39 reduced-rate loans, the eligible lending institution shall give priority to those
40 farming operations which have suffered reduced yields due to drought or other
41 natural disasters and for which the receipt of a reduced-rate loan will make a
42 significant contribution to the continued operation of the recipient farming
43 operation.

44 4. The eligible financial institution shall forward to the state treasurer a
45 linked deposit loan package, in the form and manner as prescribed by the state
46 treasurer. The package shall include such information as required by the state
47 treasurer, including the amount of each loan requested. The institution shall
48 certify that each applicant is an eligible farming operation, **eligible alternative**
49 **energy operation**, eligible locally owned business, eligible small business,
50 eligible job enhancement business, eligible marketing enterprise, eligible
51 residential property developer, eligible residential property owner, eligible
52 agribusiness, eligible beginning farmer, eligible livestock operation, eligible
53 student borrower, eligible facility borrower, or eligible water supply system, and
54 shall, for each eligible farming operation, small business, eligible job
55 enhancement business, eligible marketing enterprise, eligible residential property
56 developer, eligible residential property owner, eligible agribusiness, eligible
57 beginning farmer, eligible livestock operation, eligible student borrower, eligible
58 facility borrower, or eligible water supply system, certify the present borrowing
59 rate applicable.

60 5. The eligible lending institution shall be responsible for determining if

61 a student borrower is an eligible student borrower. A student borrower shall be
62 eligible for an initial or renewal reduced-rate loan only if, at the time of the
63 application for the loan, the student is a citizen or permanent resident of the
64 United States, a resident of the state of Missouri as defined by the coordinating
65 board for higher education, is enrolled or has been accepted for enrollment in an
66 eligible higher education institution, and establishes that the student has
67 financial need. In considering which eligible student borrowers may receive
68 reduced-rate loans, the eligible lending institution may give priority to those
69 eligible student borrowers whose income, or whose family income, if the eligible
70 student borrower is a dependent, is such that the eligible student borrower does
71 not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as
72 amended (the Higher Education Amendments of 1986). The eligible lending
73 institution shall require the eligible student borrower to document that the
74 student has applied for and has obtained all need-based student financial aid for
75 which the student is eligible prior to application for a reduced-rate loan pursuant
76 to this section. In no case shall the combination of all financial aid awarded to
77 any student in any particular enrollment period exceed the total cost of
78 attendance at the institution in which the student is enrolled. No eligible lending
79 institution shall charge any additional fees, including but not limited to an
80 origination, service or insurance fee on any loan agreement under the provisions
81 of sections 30.750 to 30.765.

82 6. The eligible lending institution making an initial loan to an eligible
83 student borrower may make a renewal loan or loans to the student. The total of
84 such reduced-rate loans from eligible lending institutions made pursuant to this
85 section to any individual student shall not exceed the cumulative totals
86 established by 20 U.S.C. 1078, as amended. An eligible student borrower shall
87 certify on his or her loan application that the reduced rate loan shall be used
88 exclusively to pay the costs of tuition, incidental fees, books and academic
89 supplies, room and board and other fees directly related to enrollment in an
90 eligible higher education institution. The eligible lending institution shall make
91 the loan payable to the eligible student borrower and the eligible higher
92 education institution as co-payees. The method of repayment of the loan shall be
93 the same as for repayment of loans made pursuant to sections 173.095 to 173.186,
94 RSMo.

95 7. Beginning August 28, 2005, in considering which eligible multitenant
96 enterprise, eligible farming operation, **eligible alternative energy operation,**

97 eligible locally owned business, eligible small business, eligible job enhancement
98 business, eligible marketing enterprise, eligible residential property developer,
99 eligible residential property owner, eligible agribusiness, eligible beginning
100 farmer, eligible livestock operation, eligible student borrower, eligible facility
101 borrower, or eligible water supply system should receive reduced-rate loans, the
102 eligible lending institution shall give priority to an eligible multitenant
103 enterprise, eligible farming operation, **eligible alternative energy operation**,
104 eligible locally owned business, eligible small business, eligible job enhancement
105 business, eligible marketing enterprise, eligible residential property developer,
106 eligible residential property owner, eligible agribusiness, eligible beginning
107 farmer, eligible livestock operation, eligible student borrower, eligible facility
108 borrower, or eligible water supply system that has not previously received a
109 reduced-rate loan through the linked deposit program. However, nothing shall
110 prohibit an eligible lending institution from making a reduced-rate loan to any
111 entity that previously has received such a loan, if such entity otherwise qualifies
112 for such a reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan
2 package or any portion thereof.

3 2. The state treasurer shall make a good faith effort to ensure that the
4 linked deposits are placed with eligible lending institutions to make linked
5 deposit loans to minority- or female-owned eligible multitenant enterprises,
6 eligible farming operations, **eligible alternative energy operations**, eligible
7 locally owned businesses, eligible small businesses, eligible job enhancement
8 businesses, eligible marketing enterprises, eligible residential property
9 developers, eligible residential property owners, eligible agribusinesses, eligible
10 beginning farmers, eligible livestock operations, eligible student borrowers,
11 eligible facility borrowers, or eligible water supply systems. Results of such effort
12 shall be included in the linked deposit review committee's annual report to the
13 governor.

14 3. Upon acceptance of the linked deposit loan package or any portion
15 thereof, the state treasurer may place linked deposits with the eligible lending
16 institution as follows: when market rates are five percent or above, the state
17 treasurer shall reduce the market rate by up to three percentage points to obtain
18 the linked deposit rate; when market rates are less than five percent, the state
19 treasurer shall reduce the market rate by up to sixty percent to obtain the linked
20 deposit rate, provided that the linked deposit rate is not below one percent. All

21 linked deposit rates are determined and calculated by the state treasurer. When
22 necessary, the treasurer may place linked deposits prior to acceptance of a linked
23 deposit loan package.

24 4. The eligible lending institution shall enter into a deposit agreement
25 with the state treasurer, which shall include requirements necessary to carry out
26 the purposes of sections 30.750 to 30.767. The deposit agreement shall specify
27 the length of time for which the lending institution will lend funds upon receiving
28 a linked deposit, and the original deposit plus renewals shall not exceed five
29 years, except as otherwise provided in this chapter. The agreement shall also
30 include provisions for the linked deposit of a linked deposit for an eligible facility
31 borrower, eligible multitenant enterprise, eligible farming operation, **eligible**
32 **alternative energy operation**, eligible locally owned business, small business,
33 eligible marketing enterprise, eligible residential property developer, eligible
34 residential property owner, eligible agribusiness, eligible beginning farmer,
35 eligible livestock operation, eligible student borrower or job enhancement
36 business. Interest shall be paid at the times determined by the state treasurer.

37 5. The period of time for which such linked deposit is placed with an
38 eligible lending institution shall be neither longer nor shorter than the period of
39 time for which the linked deposit is used to provide loans at reduced interest
40 rates. The agreement shall further provide that the state shall receive market
41 interest rates on any linked deposit or any portion thereof for any period of time
42 for which there is no corresponding linked deposit loan outstanding to an eligible
43 multitenant enterprise, eligible farming operation, **eligible alternative energy**
44 **operation**, eligible locally owned business, eligible small business, eligible job
45 enhancement business, eligible marketing enterprise, eligible residential property
46 developer, eligible residential property owner, eligible agribusiness, eligible
47 beginning farmer, eligible livestock operation, eligible student borrower, eligible
48 facility borrower, or eligible water supply system, except as otherwise provided
49 in this subsection. Within thirty days after the annual anniversary date of the
50 linked deposit, the eligible lending institution shall repay the state treasurer any
51 linked deposit principal received from borrowers in the previous yearly period and
52 thereafter repay such principal within thirty days of the yearly anniversary date
53 calculated separately for each linked deposit loan, and repaid at the linked
54 deposit rate. Such principal payment shall be accelerated when more than thirty
55 percent of the linked deposit loan is repaid within a single monthly period. Any
56 principal received and not repaid, up to the point of the thirty percent or more

57 payment, shall be repaid within thirty days of that payment at the linked deposit
58 rate. Finally, when the linked deposit is tied to a revolving line of credit
59 agreement between the banking institution and its borrower, the full amount of
60 the line of credit shall be excluded from the repayment provisions of this
61 subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending
2 institution, such institution is required to lend such funds to each approved
3 eligible multitenant enterprise, eligible farm operation, **eligible alternative**
4 **energy operation**, eligible locally owned business, eligible small business,
5 eligible job enhancement business, eligible marketing enterprise, eligible
6 residential property developer, eligible residential property owner, eligible
7 agribusiness, eligible beginning farmer, eligible livestock operation, eligible
8 student borrower, eligible facility borrower, or eligible water supply system listed
9 in the linked deposit loan package required by section 30.756 and in accordance
10 with the deposit agreement required by section 30.758. The loan shall be at a
11 fixed rate of interest reduced by the amount established under subsection 3 of
12 section 30.758 to each eligible multitenant enterprise, eligible farming operation,
13 **eligible alternative energy operation**, eligible locally owned business,
14 eligible small business, eligible job enhancement business, eligible marketing
15 enterprise, eligible residential property developer, eligible residential property
16 owner, eligible agribusiness, eligible beginning farmer, eligible livestock
17 operation, eligible student borrower, eligible facility borrower, or eligible water
18 supply system as determined pursuant to rules and regulations promulgated by
19 the state treasurer under the provisions of chapter 536, RSMo, including
20 emergency rules issued pursuant to section 536.025, RSMo. In addition, the loan
21 agreement shall specify that the eligible multitenant enterprise, eligible farming
22 operation, **eligible alternative energy operation**, eligible locally owned
23 business, eligible small business, eligible job enhancement business, eligible
24 marketing enterprise, eligible residential property developer, eligible residential
25 property owner, eligible agribusiness, eligible beginning farmer, eligible livestock
26 operation, eligible student borrower, eligible facility borrower, or eligible water
27 supply system shall use the proceeds as required by sections 30.750 to 30.765,
28 and that in the event the loan recipient does not use the proceeds in the manner
29 prescribed by sections 30.750 to 30.765, the remaining proceeds shall be
30 immediately returned to the lending institution and that any proceeds used by
31 the loan recipient shall be repaid to the lending institution as soon as practicable.

32 All records and documents pertaining to the programs established by sections
33 30.750 to 30.765 shall be segregated by the lending institution for ease of
34 identification and examination. A certification of compliance with this section in
35 the form and manner as prescribed by the state treasurer shall be required of the
36 eligible lending institution. Any lender or lending officer of an eligible lending
37 institution who knowingly violates the provisions of sections 30.750 to 30.765 is
38 guilty of a class A misdemeanor.

39 2. The state treasurer shall take any and all steps necessary to implement
40 the linked deposit program and monitor compliance of eligible multitenant
41 enterprises, eligible lending institutions, eligible farming operations, **eligible**
42 **alternative energy operations**, eligible locally owned businesses, eligible
43 small businesses, eligible job enhancement businesses, eligible marketing
44 enterprises, eligible residential property developers, eligible residential property
45 owners, eligible agribusinesses, eligible beginning farmers, eligible livestock
46 operations, eligible facility borrowers, or eligible water supply systems.

30.765. The state and the state treasurer are not liable to any eligible
2 lending institution in any manner for payment of the principal or interest on the
3 loan to an eligible multitenant enterprise, eligible farm operation, **eligible**
4 **alternative energy operation**, eligible locally owned business, eligible small
5 business, eligible job enhancement business, eligible marketing enterprise,
6 eligible residential property developer, eligible residential property owner, eligible
7 agribusiness, eligible beginning farmer, eligible livestock operation, eligible
8 student borrower, eligible facility borrower, or eligible water supply system. Any
9 delay in payments or default on the part of an eligible multitenant enterprise,
10 eligible farming operation, **eligible alternative energy operation**, eligible
11 locally owned business, eligible small business, eligible job enhancement business,
12 eligible marketing enterprise, eligible residential property developer, eligible
13 residential property owner, eligible agribusiness, eligible beginning farmer,
14 eligible livestock operation, eligible student borrower, eligible facility borrower,
15 or eligible water supply system does not in any manner affect the deposit
16 agreement between the eligible lending institution and the state treasurer.

143.121. 1. The Missouri adjusted gross income of a resident individual
2 shall be the taxpayer's federal adjusted gross income subject to the modifications
3 in this section.

4 2. There shall be added to the taxpayer's federal adjusted gross income:
5 (a) The amount of any federal income tax refund received for a prior year

6 which resulted in a Missouri income tax benefit;

7 (b) Interest on certain governmental obligations excluded from federal
8 gross income by Section 103 of the Internal Revenue Code. The previous sentence
9 shall not apply to interest on obligations of the state of Missouri or any of its
10 political subdivisions or authorities and shall not apply to the interest described
11 in subdivision (a) of subsection 3 of this section. The amount added pursuant to
12 this paragraph shall be reduced by the amounts applicable to such interest that
13 would have been deductible in computing the taxable income of the taxpayer
14 except only for the application of Section 265 of the Internal Revenue Code. The
15 reduction shall only be made if it is at least five hundred dollars;

16 (c) The amount of any deduction that is included in the computation of
17 federal taxable income pursuant to Section 168 of the Internal Revenue Code as
18 amended by the Job Creation and Worker Assistance Act of 2002 to the extent the
19 amount deducted relates to property purchased on or after July 1, 2002, but
20 before July 1, 2003, and to the extent the amount deducted exceeds the amount
21 that would have been deductible pursuant to Section 168 of the Internal Revenue
22 Code of 1986 as in effect on January 1, 2002;

23 (d) The amount of any deduction that is included in the computation of
24 federal taxable income for net operating loss allowed by Section 172 of the
25 Internal Revenue Code of 1986, as amended, other than the deduction allowed by
26 Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as
27 amended, for a net operating loss the taxpayer claims in the tax year in which the
28 net operating loss occurred or carries forward for a period of more than twenty
29 years and carries backward for more than two years. Any amount of net
30 operating loss taken against federal taxable income but disallowed for Missouri
31 income tax purposes pursuant to this paragraph after June 18, 2002, may be
32 carried forward and taken against any income on the Missouri income tax return
33 for a period of not more than twenty years from the year of the initial loss; and

34 (e) For nonresident individuals in all taxable years ending on or after
35 December 31, 2006, the amount of any property taxes paid to another state or a
36 political subdivision of another state for which a deduction was allowed on such
37 nonresident's federal return in the taxable year.

38 3. There shall be subtracted from the taxpayer's federal adjusted gross
39 income the following amounts to the extent included in federal adjusted gross
40 income:

41 (a) Interest or dividends on obligations of the United States and its

42 territories and possessions or of any authority, commission or instrumentality of
43 the United States to the extent exempt from Missouri income taxes pursuant to
44 the laws of the United States. The amount subtracted pursuant to this
45 paragraph shall be reduced by any interest on indebtedness incurred to carry the
46 described obligations or securities and by any expenses incurred in the production
47 of interest or dividend income described in this paragraph. The reduction in the
48 previous sentence shall only apply to the extent that such expenses including
49 amortizable bond premiums are deducted in determining the taxpayer's federal
50 adjusted gross income or included in the taxpayer's Missouri itemized
51 deduction. The reduction shall only be made if the expenses total at least five
52 hundred dollars;

53 (b) The portion of any gain, from the sale or other disposition of property
54 having a higher adjusted basis to the taxpayer for Missouri income tax purposes
55 than for federal income tax purposes on December 31, 1972, that does not exceed
56 such difference in basis. If a gain is considered a long-term capital gain for
57 federal income tax purposes, the modification shall be limited to one-half of such
58 portion of the gain;

59 (c) The amount necessary to prevent the taxation pursuant to this chapter
60 of any annuity or other amount of income or gain which was properly included in
61 income or gain and was taxed pursuant to the laws of Missouri for a taxable year
62 prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose
63 death the taxpayer acquired the right to receive the income or gain, or to a trust
64 or estate from which the taxpayer received the income or gain;

65 (d) Accumulation distributions received by a taxpayer as a beneficiary of
66 a trust to the extent that the same are included in federal adjusted gross income;

67 (e) The amount of any state income tax refund for a prior year which was
68 included in the federal adjusted gross income;

69 (f) The portion of capital gain specified in section 135.357, RSMo, that
70 would otherwise be included in federal adjusted gross income;

71 (g) The amount that would have been deducted in the computation of
72 federal taxable income pursuant to Section 168 of the Internal Revenue Code as
73 in effect on January 1, 2002, to the extent that amount relates to property
74 purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that
75 amount exceeds the amount actually deducted pursuant to Section 168 of the
76 Internal Revenue Code as amended by the Job Creation and Worker Assistance
77 Act of 2002;

78 (h) For all tax years beginning on or after January 1, 2005, the amount
79 of any income received for military service while the taxpayer serves in a combat
80 zone which is included in federal adjusted gross income and not otherwise
81 excluded therefrom. As used in this section, "combat zone" means any area which
82 the President of the United States by Executive Order designates as an area in
83 which armed forces of the United States are or have engaged in combat. Service
84 is performed in a combat zone only if performed on or after the date designated
85 by the President by Executive Order as the date of the commencing of combat
86 activities in such zone, and on or before the date designated by the President by
87 Executive Order as the date of the termination of combatant activities in such
88 zone; and

89 (i) For all tax years ending on or after July 1, 2002, with respect to
90 qualified property that is sold or otherwise disposed of during a taxable year by
91 a taxpayer and for which an addition modification was made under paragraph (c)
92 of subsection 2 of this section, the amount by which addition modification made
93 under paragraph (c) of subsection 2 of this section on qualified property has not
94 been recovered through the additional subtractions provided in paragraph (g) of
95 this subsection.

96 4. There shall be added to or subtracted from the taxpayer's federal
97 adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment
98 provided in section 143.351.

99 5. There shall be added to or subtracted from the taxpayer's federal
100 adjusted gross income the modifications provided in section 143.411.

101 6. In addition to the modifications to a taxpayer's federal adjusted gross
102 income in this section, to calculate Missouri adjusted gross income there shall be
103 subtracted from the taxpayer's federal adjusted gross income any gain recognized
104 pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended,
105 arising from compulsory or involuntary conversion of property as a result of
106 condemnation or the imminence thereof.

107 7. (1) As used in this subsection, "qualified health insurance premium"
108 means the amount paid during the tax year by such taxpayer for any insurance
109 policy primarily providing health care coverage for the taxpayer, the taxpayer's
110 spouse, or the taxpayer's dependents.

111 (2) In addition to the subtractions in subsection 3 of this section, one
112 hundred percent of the amount of qualified health insurance premiums shall be
113 subtracted from the taxpayer's federal adjusted gross income to the extent the

114 amount paid for such premiums is included in federal taxable income. The
115 taxpayer shall provide the department of revenue with proof of the amount of
116 qualified health insurance premiums paid.

117 **8. (1) Beginning January 1, 2009, in addition to the subtractions**
118 **provided in this section, one hundred percent of the cost incurred by**
119 **a taxpayer for a home energy audit conducted by an entity certified by**
120 **the department of natural resources under section 640.153, RSMo, or**
121 **the implementation of any energy efficiency recommendations made in**
122 **such an audit shall be subtracted from the taxpayer's federal adjusted**
123 **gross income to the extent the amount paid for any such activity is**
124 **included in federal taxable income. The taxpayer shall provide the**
125 **department of revenue with a summary of any recommendations made**
126 **in a qualified home energy audit, the name and certification number of**
127 **the qualified home energy auditor who conducted the audit, and proof**
128 **of the amount paid for any activities under this subsection for which**
129 **a deduction is claimed. The taxpayer shall also provide a copy of the**
130 **summary of any recommendations made in a qualified home energy**
131 **audit to the department of natural resources.**

132 **(2) At no time shall a deduction claimed under this subsection by**
133 **an individual taxpayer or taxpayers filing combined returns exceed one**
134 **thousand dollars per year or cumulatively exceed two thousand dollars**
135 **per taxpayer or taxpayers filing combined returns.**

136 **(3) Any deduction claimed under this subsection shall be claimed**
137 **for the tax year in which the qualified home energy audit was**
138 **conducted or in which the implementation of the energy efficiency**
139 **recommendations occurred. If implementation of the energy efficiency**
140 **recommendations occurred during more than one year, the deduction**
141 **may be claimed in more than one year, subject to the limitations**
142 **provided under subdivision (2) of this subsection.**

143 **(4) A deduction shall not be claimed for any otherwise eligible**
144 **activity under this subsection if such activity qualified for and received**
145 **any rebate or other incentive through a state-sponsored energy**
146 **program or through an electric corporation, gas corporation, electric**
147 **cooperative, or municipally-owned utility.**

148 **9. The provisions of subsection 8 of this section shall expire on**
149 **December 31, 2013.**

144.526. 1. This section shall be known, and may be cited as the
2 "Show Me Green Sales Tax Holiday".

3 2. For purposes of this section, the following terms mean:

4 (1) "Appliance", clothes washers and dryers, water heaters, trash
5 compactors, dishwashers, conventional ovens, ranges, stoves, air
6 conditioners, furnaces, refrigerators and freezers; and

7 (2) "Energy star certified", any appliance approved by both the
8 United States Environmental Protection Agency and the United States
9 Department of Energy as eligible to display the energy star label, as
10 amended from time to time.

11 3. In each year beginning on or after January 1, 2009, there is
12 hereby specifically exempted from state sales tax law all retail sales of
13 any energy star certified new appliance, up to one thousand five
14 hundred dollars per appliance, during a seven-day period beginning at
15 12:01 a.m. on April nineteenth and ending at midnight on April twenty-
16 fifth.

17 4. A political subdivision may allow the sales tax holiday under
18 this section to apply to its local sales taxes by enacting an ordinance to
19 that effect. Any such political subdivision shall notify the department
20 of revenue not less than forty-five calendar days prior to the beginning
21 date of the sales tax holiday occurring in that year of any such
22 ordinance or order.

23 5. This section may not apply to any retailer when less than two
24 percent of the retailer's merchandise offered for sale qualifies for the
25 sales tax holiday. The retailer shall offer a sales tax refund in lieu of
26 the sales tax holiday.

170.011. 1. Regular courses of instruction in the Constitution of the
2 United States and of the state of Missouri and in American history and
3 institutions shall be given in all public and private schools in the state of
4 Missouri, except privately operated trade schools, and shall begin not later than
5 the seventh grade and continue in high school to an extent determined by the
6 state commissioner of education, and shall continue in college and university
7 courses to an extent determined by the state commissioner of higher education.
8 In the 1990-91 school year and each year thereafter, local school districts
9 maintaining high schools shall comply with the provisions of this section by
10 offering in grade nine, ten, eleven, or twelve a course of instruction in the

11 institutions, branches and functions of the government of the state of Missouri,
12 including local governments, and of the government of the United States, and in
13 the electoral process. A local school district maintaining such a high school shall
14 require that prior to the completion of the twelfth grade each pupil, who receives
15 a high school diploma or certificate of graduation on or after January 1, 1994,
16 shall satisfactorily complete such a course of study. Such course shall be of at
17 least one semester in length and may be two semesters in length. The
18 department of elementary and secondary education may provide assistance in
19 developing such a course if the district requests assistance.

20 2. American history courses at the elementary and secondary levels shall
21 include in their proper time-line sequence specific referrals to the details and
22 events of the racial equality movement that have caused major changes in United
23 States and Missouri laws and attitudes.

24 3. No pupil shall receive a certificate of graduation from any public or
25 private school other than private trade schools unless he has satisfactorily passed
26 an examination on the provisions and principles of the Constitution of the United
27 States and of the state of Missouri, and in American history and American
28 institutions. A student of a college or university, who, after having completed a
29 course of instruction prescribed in this section and successfully passed an
30 examination on the United States Constitution, and in American history and
31 American institutions required hereby, transfers to another college or university,
32 is not required to complete another such course or pass another such examination
33 as a condition precedent to his graduation from the college or university.

34 4. In the 1990-91 school year and each year thereafter, each school district
35 maintaining a high school may annually nominate to the state board of education
36 a student who has demonstrated knowledge of the principles of government and
37 citizenship through academic achievement, participation in extracurricular
38 activities, and service to the community. Annually, the state board of education
39 shall select fifteen students from those nominated by the local school districts and
40 shall recognize and award them for their academic achievement, participation and
41 service.

42 5. **In the 2009-2010 school year and in each year thereafter, each**
43 **school district maintaining a high school shall ensure that each**
44 **student, prior to graduation, receives instruction in environmental**
45 **science, sustainability, resource endowments, past and present**
46 **pollution levels, environmental management efforts, and society's**

47 **capacity to improve its environmental performance over time. Such**
48 **environmental curricula may be offered in conjunction with Earth Day**
49 **and occur between April sixteenth and April twenty-second**
50 **annually. Local school districts may consult with the department of**
51 **elementary and secondary education and the energy center within the**
52 **department of natural resources for assistance in training teachers and**
53 **creating appropriate curricula in order to fulfill the provisions of this**
54 **subsection.**

55 **6.** The state commissioner of education and the state commissioner of
56 higher education shall make arrangements for carrying out the provisions of this
57 section and prescribe a list of suitable texts adapted to the needs of the school
58 grades and college courses, respectively.

59 **[6.] 7.** The willful neglect of any superintendent, principal or teacher to
60 observe and carry out the requirements of this section is sufficient cause for
61 termination of his contract.

62 **[7.] 8.** The provisions of this section shall not apply to students from
63 foreign countries who are enrolled in public or private high schools in Missouri,
64 if such students are foreign exchange students sponsored by a national
65 organization recognized by the department of elementary and secondary
66 education.

251.650. 1. Not less than twice each calendar year,
2 **representatives from the department of labor and industrial relations,**
3 **the department of elementary and secondary education, the department**
4 **of agriculture, the department of economic development, and the**
5 **department of natural resources shall meet to discuss ways in which**
6 **their respective agencies may collaborate in order to secure grants**
7 **established in the Energy Independence and Security Act of 2007,**
8 **Public Law 110-140, or other such grants that would fund: green jobs;**
9 **the production of renewable fuels; increasing energy efficiency of**
10 **products, buildings and vehicles; and increasing research and**
11 **development relating to the manufacturing of renewable energy**
12 **technologies. The department of natural resources is hereby**
13 **designated as the coordinating agency for the inter-agency**
14 **collaboration under this section.**

15 **2.** In fulfilling the goals under this section, any of the
16 departments under subsection 1 of this section may confer with, or

17 **invite participation by, any other interested individual, agency, or**
18 **organization, which shall include but not be limited to non-profit**
19 **organizations, private sector entities, institutions of higher education,**
20 **and local governments. Such departments may enter into partnerships**
21 **with, in accordance with federal grant requirements and as otherwise**
22 **allowable by law, any individual, agency, or organization in securing**
23 **a grant under this section.**

24 **3. No later than the first Wednesday after the first Monday of**
25 **January each year, the departments outlined in subsection 1 of this**
26 **section shall report jointly to the general assembly and to the governor**
27 **the actions taken by their agencies in securing the grants outlined in**
28 **this section.**

260.1050. Sections 260.1050 to 260.1101 may be cited as the
2 **"Manufacturer Responsibility and Consumer Convenience Equipment**
3 **Collection and Recovery Act".**

260.1053. As used in sections 260.1050 to 260.1101, the following
2 **terms mean:**

3 **(1) "Brand", the name, symbol, logo, trademark, or other**
4 **information that identifies a product rather than the components of the**
5 **product;**

6 **(2) "Computer materials", a desktop or notebook computer and**
7 **includes a computer monitor or other display device that does not**
8 **contain a tuner;**

9 **(3) "Consumer", an individual who uses equipment that is**
10 **purchased primarily for personal or home business use;**

11 **(4) "Department", department of natural resources;**

12 **(5) "Equipment", computer materials or a television, or both;**

13 **(6) "Manufacturer", a person:**

14 **(a) Who manufactures or manufactured equipment under a brand**
15 **that:**

16 **a. The person owns or owned; or**

17 **b. The person is or was licensed to use, other than under a**
18 **license to manufacture equipment for delivery exclusively to or at the**
19 **order of the licensor;**

20 **(b) Who sells or sold equipment manufactured by others under**
21 **a brand that:**

- 22 **a. The person owns or owned; or**
23 **b. The person is or was licensed to use, other than under a**
24 **license to manufacture equipment for delivery exclusively to or at the**
25 **order of the licensor;**
26 **(c) Who manufactures or manufactured equipment without**
27 **affixing a brand;**
28 **(d) Who manufactures or manufactured equipment to which the**
29 **person affixes or affixed a brand that:**
30 **a. The person does not or has not owned; or**
31 **b. The person is not or was not licensed to use; or**
32 **(e) Who imports or imported equipment manufactured outside**
33 **the United States into the United States unless at the time of**
34 **importation the company or licensee that sells or sold the equipment**
35 **to the importer has or had assets or a presence in the United States**
36 **sufficient to be considered the manufacturer;**
37 **(7) "Television", any telecommunication system device that can**
38 **receive moving pictures and sound broadcast over a distance and**
39 **includes a television tuner or a display device peripheral to a computer**
40 **in which the display device contains a television tuner.**

260.1059. 1. The collection, recycling, and reuse provisions of
2 **sections 260.1050 to 260.1101 apply to equipment used and returned to**
3 **the manufacturer by a consumer in this state and do not impose any**
4 **obligation on an owner or operator of a solid waste facility.**

5 **2. Sections 260.1050 to 260.1101 do not apply to:**

6 **(1) Any part of a motor vehicle, a personal digital assistant, or**
7 **a telephone, including wireless devices;**

8 **(2) A consumer's lease of equipment or a consumer's use of**
9 **equipment under a lease agreement; or**

10 **(3) The sale or lease of equipment to an entity when the**
11 **manufacturer and the entity enter into a contract that effectively**
12 **addresses the collection, recycling, and reuse of equipment that has**
13 **reached the end of its useful life.**

260.1062. 1. Before a manufacturer may offer equipment for sale
2 **in this state, the manufacturer shall:**

3 **(1) Adopt and implement a recovery plan;**

4 **(2) Submit a written copy of the recovery plan to the department;**

5 and

6 (3) Affix a permanent, readily visible label to the equipment with
7 the manufacturer's brand.

8 2. The recovery plan shall enable a consumer to recycle
9 equipment without paying a separate fee at the time of recycling and
10 shall include provisions for:

11 (1) The manufacturer's collection from a consumer of any
12 equipment that has reached the end of its useful life and is labeled with
13 the manufacturer's brand; and

14 (2) Recycling or reuse of equipment collected under subdivision
15 (1) of this subsection.

16 3. The collection of equipment provided under the recovery plan
17 shall be:

18 (1) Reasonably convenient and available to consumers in this
19 state; and

20 (2) Designed to meet the collection needs of consumers in this
21 state.

22 4. Examples of collection methods that alone or combined meet
23 the convenience requirements of this section include a system:

24 (1) By which the manufacturer or the manufacturer's designee
25 offers the consumer an option for returning equipment by mail at no
26 charge to the consumer;

27 (2) Using a physical collection site that the manufacturer or the
28 manufacturer's designee keeps open and staffed and to which the
29 consumer may return equipment; and

30 (3) Using a collection event held by the manufacturer or the
31 manufacturer's designee at which the consumer may return equipment.

32 5. Collection services under this section may use existing
33 collection and consolidation infrastructure for handling equipment and
34 may include systems jointly managed by a group of manufacturers,
35 electronic recyclers and repair shops, recyclers of other commodities,
36 reuse organizations, not-for-profit corporations, retailers, recyclers,
37 and other suitable operations. If a manufacturer or its designee offers
38 a mail-back system as described in subsection 4 of this section, either
39 individually or by working together with a group of manufacturers or
40 by working with others, it shall be deemed to meet the convenience

41 requirements of this section.

42 6. The recovery plan shall include information for the consumer
43 on how and where to return the manufacturer's equipment. The
44 manufacturer:

45 (1) Shall include collection, recycling, and reuse information on
46 the manufacturer's publicly available Internet site;

47 (2) Shall provide collection, recycling, and reuse information to
48 the department; and

49 (3) May include collection, recycling, and reuse information in
50 the packaging for or in other materials that accompany the
51 manufacturer's equipment when the equipment is sold.

52 7. Information about collection, recycling, and reuse on a
53 manufacturer's publicly available Internet site does not constitute a
54 determination by the department that the manufacturer's recovery plan
55 or actual practices are in compliance with sections 260.1050 to 260.1101
56 or other state or federal law.

57 8. Each manufacturer shall submit a report to the department
58 not later than January thirty-first of each year that includes:

59 (1) The weight of equipment collected, recycled, and reused
60 during the preceding calendar year; and

61 (2) Documentation certifying that the collection, recycling, and
62 reuse of equipment during the preceding calendar year was conducted
63 in a manner that complies with section 260.1089 regarding sound
64 environmental management.

65 9. If more than one person is a manufacturer of a certain brand
66 of equipment as defined by section 260.1053, any of those persons may
67 assume responsibility for and satisfy the obligations of a manufacturer
68 under sections 260.1050 to 260.1101 for that brand. If none of those
69 persons assumes responsibility or satisfies the obligations of a
70 manufacturer for the equipment of that brand, the department may
71 consider any of those persons to be the responsible manufacturer for
72 purposes of sections 260.1050 to 260.1101.

73 10. The obligations under sections 260.1050 to 260.1101 of a
74 manufacturer who manufactures or manufactured equipment, or sells
75 or sold equipment manufactured by others, under a brand that was
76 previously used by a different person in the manufacture of the

77 **equipment extends to all equipment bearing that brand regardless of**
78 **its date of manufacture.**

260.1065. 1. A person who is a retailer of equipment shall not sell
2 or offer to sell new equipment in this state unless the equipment is
3 labeled with the manufacturer's label and the manufacturer is included
4 on the department's list of manufacturers that have recovery plans.

5 2. Retailers can go to the department's Internet site as outlined
6 in section 260.1071 and view all manufacturers that are listed as having
7 registered a collection program. Covered electronic products from
8 manufacturers on that list may be sold in or into this state.

9 3. A retailer is not required to collect equipment for recycling or
10 reuse under sections 260.1050 to 260.1101.

260.1068. 1. A manufacturer or retailer of equipment is not liable
2 in any way for information in any form that a consumer leaves on
3 computer materials that are collected, recycled, or reused under
4 sections 260.1050 to 260.1101.

5 2. The consumer is responsible for any information in any form
6 left on the consumer's computer materials that are collected, recycled,
7 or reused.

8 3. Compliance with sections 260.1050 to 260.1101 does not exempt
9 a person from liability under other law.

260.1071. 1. The department shall educate consumers regarding
2 the collection, recycling, and reuse of equipment.

3 2. The department shall host or designate another person to host
4 an Internet site providing consumers with information about the
5 recycling and reuse of equipment, including best management practices
6 and information about and links to information on:

7 (1) Manufacturers' collection, recycling, and reuse programs,
8 including manufacturers' recovery plans; and

9 (2) Equipment collection events, collection sites, and community
10 equipment recycling and reuse programs.

260.1074. 1. The department may conduct audits and inspections
2 to determine compliance with sections 260.1050 to 260.1101.

3 2. The department and the attorney general, as appropriate, shall
4 enforce sections 260.1050 to 260.1101 and, except as provided by
5 subsections 4 and 5 of this section, take enforcement action against any

6 manufacturer, retailer, or person who recycles or reuses equipment for
7 failure to comply with sections 260.1050 to 260.1101.

8 3. The attorney general may file suit to enjoin an activity related
9 to the sale of equipment in violation of sections 260.1050 to 260.1101.

10 4. The department shall issue a written warning notice to a
11 person upon the person's first violation of sections 260.1050 to
12 260.1101. The person shall comply with sections 260.1050 to 260.1101
13 not later than the sixtieth day after the date the warning notice is
14 issued.

15 5. A retailer who receives a warning notice from the department
16 that the retailer's inventory violates sections 260.1050 to 260.1101
17 because it includes equipment from a manufacturer that has not
18 submitted the recovery plan required by section 260.1062 shall bring
19 the inventory into compliance with sections 260.1050 to 260.1101 not
20 later than the sixtieth day after the date the warning notice is issued.

21 6. (1) The department may assess a penalty against a
22 manufacturer that does not label its equipment or adopt, implement, or
23 submit a recovery plan as required by section 260.1062. No penalty
24 shall be assessed for a first violation and the amount of the penalty
25 shall not exceed ten thousand dollars for the second violation or
26 twenty-five thousand dollars for each subsequent violation.

27 (2) Any penalty collected under this section shall be credited to
28 the "Equipment Recycling Subaccount", which is hereby created, in the
29 hazardous waste fund. Moneys in the subaccount shall be used for the
30 purpose of administering the provisions of sections 260.1050 to
31 260.1101. The state treasurer shall be custodian of the subaccount and
32 may approve disbursements from the fund in accordance with sections
33 30.170 and 30.180, RSMo. Upon appropriation, money in the subaccount
34 shall be used solely for the administration of sections 260.1050 to
35 260.1101. Any moneys remaining in the subaccount at the end of the
36 biennium shall revert to the credit of the general revenue fund. The
37 state treasurer shall invest moneys in the fund in the same manner as
38 other funds are invested. Any interest and moneys earned on such
39 investments shall be credited to the subaccount.

260.1077. Financial or proprietary information submitted to the
2 department under sections 260.1050 to 260.1101 shall not be considered

3 a public record under chapter 610, RSMo.

260.1080. The department shall compile information from
2 manufacturers and issue an electronic report to the committee in each
3 house of the general assembly having primary jurisdiction over
4 environmental matters not later than March first of each year.

260.1083. Sections 260.1050 to 260.1101 do not authorize the
2 department to impose a fee, including a recycling fee or registration
3 fee, on a consumer, manufacturer, retailer, or person who recycles or
4 reuses equipment.

260.1089. 1. All equipment collected under sections 260.1050 to
2 260.1101 shall be recycled or reused in a manner that complies with
3 federal, state, and local law.

4 2. The department shall, by rule, adopt as mandatory standards
5 for recycling or reuse of equipment in this state the standards provided
6 by "Electronics Recycling Operating Practices" as approved by the
7 board of directors of the Institute of Scrap Recycling Industries, Inc.,
8 April 25, 2006, or other standards issued from the U.S. Environmental
9 Protection Agency, if available.

260.1092. 1. If federal law establishes a national program for the
2 collection and recycling of equipment and the department determines
3 that the federal law substantially meets the purposes of sections
4 260.1050 to 260.1101, the department may adopt an agency statement
5 that interprets the federal law as preemptive of sections 260.1050 to
6 260.1101.

7 2. Sections 260.1050 to 260.1101 shall expire on the date the
8 department issues a statement under this section.

260.1101. 1. The department shall adopt any rules required to
2 implement sections 260.1050 to 260.1101 not later than July 1, 2009. Any
3 rule or portion of a rule, as that term is defined in section 536.010,
4 RSMo, that is created under the authority delegated in this section
5 shall become effective only if it complies with and is subject to all of
6 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
7 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
8 of the powers vested with the general assembly pursuant to chapter
9 536, RSMo, to review, to delay the effective date, or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the grant of

11 rulemaking authority and any rule proposed or adopted after August
12 28, 2008, shall be invalid and void.

13 2. Sections 260.1050 to 260.1101 shall not be enforced before rules
14 developed under this section are promulgated.

15 3. It shall not be considered a violation of sections 260.1050 to
16 260.1101 for a retailer to sell any inventory accrued before the effective
17 date of sections 260.1050 to 260.1101.

386.850. The Missouri energy task force created by executive
2 order 05-46 shall reconvene at least one time per year for the purpose
3 of reviewing progress made toward meeting the recommendations set
4 forth in the task force's final report as issued under the executive
5 order. The task force shall issue its findings in a status report to the
6 governor and general assembly no later than December thirty-first of
7 each year.

640.153. 1. As used in this section, the following terms mean:

2 (1) "Applicant", an entity that applies to the department for
3 certification as a qualified home energy auditor;

4 (2) "Department", the department of natural resources;

5 (3) "Qualified home energy audit", a home energy audit
6 conducted by an entity certified by the department as a qualified home
7 energy auditor, the purpose of which is to provide energy efficiency
8 recommendations that will reduce the energy use or the utility costs or
9 both, of a residential or commercial building;

10 (4) "Qualified home energy auditor", an applicant who has met
11 the certification requirements established by the department and
12 whose certification has been approved by the department.

13 2. The department shall develop criteria and requirements for
14 certification of qualified home energy auditors. Any applicant shall
15 provide the department with an application, documentation, or other
16 information as the department may require. The department may
17 establish periodic requirements for qualified home energy auditors to
18 maintain certification.

19 3. The department shall provide successful applicants with
20 written notice that the applicant meets the certification requirements.

640.157. The energy center of the department of natural
2 resources shall serve as a central point of coordination for activities

3 relating to energy sustainability in the state. As such, the energy
4 center shall:

5 (1) Consult and cooperate with other state agencies to serve as
6 a technical advisor on sustainability issues, including but not limited
7 to, renewable energy use and green building design and construction;

8 (2) Provide technical assistance to local governments, businesses,
9 schools, and homeowners on sustainability issues, including but not
10 limited to, renewable energy use and green building design and
11 construction; and

12 (3) Conduct outreach and education efforts, which may be in
13 coordination with community action agencies, for the purpose of
14 informing the general public about financial assistance opportunities
15 for energy conservation, including but not limited to, the tax incentives
16 under section 135.032, RSMo, and section 144.526, RSMo.

701.500. 1. As used in sections 701.500 to 701.515, the following
2 terms shall mean:

3 (1) "Ceiling fan", a nonportable device that is suspended from a
4 ceiling for circulating air via the rotation of fan blades;

5 (2) "Ceiling fan light kit", equipment designed to provide light
6 from a ceiling fan which can be:

7 (a) Integral, such that the equipment is hardwired to the ceiling
8 fan; or

9 (b) Attachable, such that at the time of sale, the equipment is not
10 physically attached to the ceiling fan, but may be included inside the
11 ceiling fan package at the time of sale or sold separately for subsequent
12 attachment to the fan;

13 (3) "Commercial clothes washer", a soft mount horizontal- or
14 vertical-axis clothes washer that:

15 (a) Has a clothes container compartment no greater than three
16 and five-tenths cubic feet in the case of a horizontal-axis product or not
17 greater than four cubic feet in the case of a vertical-axis product; and

18 (b) Is designed for use by more than one household, such as in
19 multi-family housing, apartments, or coin laundries;

20 (4) "Commercial refrigerators and freezers", refrigerators,
21 freezers, or refrigerator-freezers designed for use by commercial or
22 institutional facilities for the purpose of storing food products, ice, or

23 **other perishable items at specified temperatures that:**

24 **(a) Incorporate most components involved in the vapor-**
25 **compression cycle and the refrigerated compartment in a single**
26 **package; and**

27 **(b) May be configured with either solid or transparent doors as**
28 **a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through**
29 **cabinet;**

30 **This term does not include products with eighty-five cubic feet or more**
31 **of internal volume, walk-in refrigerators or freezers, or consumer**
32 **products that are federally regulated pursuant to 42 U.S.C. Section 6291**
33 **and subsequent sections;**

34 **(5) "Department", the department of natural resources;**

35 **(6) "Director", the director of the department of natural**
36 **resources;**

37 **(7) "Illuminated exit sign", an internally-illuminated sign that is**
38 **designed to be permanently fixed in place to identify an exit and**
39 **consists of an electrically powered integral light source that**
40 **illuminates the legend "EXIT" and any directional indicators and**
41 **provides contrast between the legend, any directional indicators, and**
42 **the background;**

43 **(8) "Large packaged air-conditioning equipment", packaged air-**
44 **conditioning equipment having two hundred forty thousand Btu/hour**
45 **or more of cooling capacity that is built as a package and shipped as a**
46 **whole to end-user sites;**

47 **(9) "Low voltage dry-type distribution transformer", a**
48 **distribution transformer that has an input voltage of six hundred volts**
49 **or less, is air-cooled, does not use oil as a coolant, and is rated for**
50 **operation at a frequency of sixty Hertz. The term "low voltage dry-type**
51 **transformer" does not include:**

52 **(a) Transformers with multiple voltage taps, with the highest**
53 **voltage tap equaling at least twenty percent more than the lowest**
54 **voltage tap; or**

55 **(b) Transformers, such as those commonly known as drive**
56 **transformers, rectifier transformers, auto-transformers,**
57 **Uninterruptible Power System transformers, impedance transformers,**
58 **harmonic transformers, regulating transformers, sealed and non-**

59 ventilating transformers, machine tool transformers, welding
60 transformers, grounding transformers, or testing transformers, that are
61 designed to be used in a special purpose application and are unlikely
62 to be used in general purpose applications;

63 (10) "Pass-through cabinet", a commercial refrigerator or freezer
64 with hinged or sliding doors on both the front and rear of the unit;

65 (11) "Reach-in cabinet", a commercial refrigerator or freezer with
66 hinged or sliding doors or lids, but does not include roll-in or roll-
67 through cabinets or pass-through cabinets;

68 (12) "Roll-in cabinet", a commercial refrigerator or freezer with
69 hinged or sliding doors that allow wheeled racks of product to be rolled
70 into the unit;

71 (13) "Roll-through cabinet", a commercial refrigerator or freezer
72 with hinged or sliding doors on two sides of the cabinet that allow
73 wheeled racks of product to be rolled through the unit;

74 (14) "Single-voltage external AC to DC power supply", a device
75 that:

76 (a) Is designed to convert line voltage AC input into lower
77 voltage DC output;

78 (b) Is able to convert to one DC output voltage at a time;

79 (c) Is sold with, or intended to be used with, a separate end-use
80 product that constitutes the primary power load;

81 (d) Is contained within a separate physical enclosure from the
82 end-use product;

83 (e) Is connected to the end-use product via a removable or hard-
84 wired male/female electrical connection, cable, cord, or other wiring;

85 (f) Does not have batteries or battery packs, including those that
86 are removable, that physically attach directly to the power supply unit;

87 (g) Does not have a battery chemistry or type selector switch and
88 indicator light; or

89 (h) Has a nameplate output power less than or equal to two
90 hundred fifty watts;

91 (15) "Torchiere", a portable electric lamp with a reflective bowl
92 that directs light upward onto a ceiling so as to produce indirect
93 illumination on the surfaces below;

94 (16) "Traffic signal module", a standard eight inch (200mm) or

95 twelve inch (300mm) traffic signal indication, consisting of a light
96 source, a lens, and all other parts necessary for operation;

97 (17) "Transformer", a device consisting of two or more coils of
98 insulated wire that is designed to transfer alternating current by
99 electromagnetic induction from one coil to another to change the
100 original voltage or current value;

101 (18) "Unit heater", a self-contained, vented fan-type commercial
102 space heater that uses natural gas, propane, or fuel oil that is designed
103 to be installed without ducts within a heated space, except that such
104 term does not include any products covered by federal standards
105 established pursuant to 42 U.S.C. Section 6291 and subsequent sections
106 or any product that is a direct vent, forced flue heater with a sealed
107 combustion burner.

108 2. The provisions of this section shall apply to the following
109 products:

110 (1) Ceiling fans and ceiling fan light kits;

111 (2) Commercial clothes washers;

112 (3) Commercial refrigerators and freezers;

113 (4) Illuminated exit signs;

114 (5) Large packaged air-conditioning equipment;

115 (6) Low voltage dry-type distribution transformers;

116 (7) Single-voltage external AC to DC power supply;

117 (8) Torchieres;

118 (9) Traffic signal modules;

119 (10) Unit heaters; and

120 (11) Any other products as may be designated by the director,
121 with consent of the advisory group under section 701.509 and in
122 accordance with section 701.503.

123 3. No person shall sell, offer for sale, or install any new product
124 listed in subsection 2 of this section in the state unless the product
125 meets the minimum energy efficiency standards under sections 701.500
126 to 701.515.

127 4. The provisions of sections 701.500 to 701.515 shall not apply to
128 products:

129 (1) Manufactured in the state and sold outside the state;

130 (2) Manufactured outside the state and sold at wholesale inside

131 the state for final retail sale outside the state;

132 (3) Installed in mobile manufactured homes at the time of
133 construction; or

134 (4) Designed expressly for installation and use in recreational
135 vehicles.

701.503. 1. In conjunction with the advisory group under section
2 701.509, the director shall promulgate, by rule, the minimum energy
3 efficiency standards for the products listed in subsection 2 of this
4 section as well as for any other products under subdivision (11) of
5 subsection 2 of section 701.500. Any rule or portion of a rule, as that
6 term is defined in section 536.010, RSMo, that is created under the
7 authority delegated in this section shall become effective only if it
8 complies with and is subject to all of the provisions of chapter 536,
9 RSMo, and, if applicable, section 536.028, RSMo. This section and
10 chapter 536, RSMo, are nonseverable and if any of the powers vested
11 with the general assembly pursuant to chapter 536, RSMo, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2008, shall
15 be invalid and void.

16 2. The standards shall at least be as stringent as the following:

17 (1) Ceiling fans and ceiling fan light kits shall meet the Tier 1
18 criteria of Version 1.1 of the product specification contained in the
19 "Energy Star Program Requirements for Residential Ceiling Fans"
20 prescribed by the United States Environmental Protection Agency;

21 (2) Commercial clothes washers shall meet the requirements
22 shown in Table P-3 of section 1605.3 of the California Code of
23 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance
24 Efficiency Regulations that took effect on November 27, 2002;

25 (3) Commercial refrigerators and freezers shall meet the August
26 1, 2004 requirements shown in Table A-6 of section 1605.3 of the
27 California Code of Regulations, Title 20: Division 2, Chapter 4, Article
28 4: Appliance Efficiency Regulations that took effect on November 27,
29 2002;

30 (4) Illuminated exit signs shall meet the Version 2.0 Energy Star
31 Program performance requirements for illuminated exit signs

32 prescribed by the U.S. Environmental Protection Agency;

33 (5) Large packaged air-conditioning equipment shall meet the
34 Tier 2 efficiency levels of the "Minimum Equipment Efficiencies for
35 Unitary Commercial Air Conditioners" or "Minimum Equipment
36 Efficiencies for Heat Pumps", as appropriate, developed by the
37 Consortium for Energy Efficiency, Boston, Massachusetts, as in effect
38 on January 1, 2002;

39 (6) Low voltage dry-type distribution transformers shall meet the
40 Class 1 efficiency levels for distribution transformers specified in Table
41 4-2 of the "Guide for Determining Energy Efficiency for Distribution
42 Transformers" published by the National Electrical Manufacturers
43 Association (NEMA Standard TP-1-2002);

44 (7) Single-voltage external AC to DC power supplies shall meet
45 the tier one energy efficiency requirements shown in Table U-1 of
46 Section 1605.3 of the California Code of Regulations, Title 20: Division
47 2, Chapter 4, Article 4: Appliance Efficiency Regulations as adopted on
48 December 15, 2004. This standard applies to single voltage AC to DC
49 power supplies that are sold individually and to those that are sold as
50 a component of or in conjunction with another product;

51 (8) Torchieres shall consume not more than one hundred ninety
52 watts and shall not be capable of operating with lamps that total more
53 than one hundred ninety watts;

54 (9) Red and green traffic signal modules shall meet the product
55 specification of the "Energy Star Program Requirements for Traffic
56 Signals" developed by the United States Environmental Protection
57 Agency that took effect in February 2001 and shall be installed with
58 compatible, electrically-connected signal control interface devices and
59 conflict monitoring systems. The director, in consultation with the
60 department of transportation, may exempt specific traffic signals from
61 this requirement upon a determination that installing compliant signals
62 would not be cost-effective on a life-cycle cost basis;

63 (10) Unit heaters shall be equipped with an intermittent ignition
64 device and shall have either power venting or an automatic flue
65 damper.

701.506. In conjunction with the advisory group under section
2 701.509, the department shall update the minimum appliance energy

3 efficiency standards in section 701.503 not less than once every three
4 years beginning from the date the standards were first promulgated by
5 rule. The purpose of any such update shall be to keep the state
6 standards current with technological advancements and industry
7 practices with regard to energy efficiency, while also giving due
8 consideration to consumer and environmental costs and benefits. The
9 department shall strive to have the standards achieve greater energy
10 efficiency over time in a prudent and reasonable manner.

701.509. 1. The "Appliance Energy Efficiency Advisory Group" is
2 hereby created. The purpose of the advisory group is to advise the
3 department on the development and updating of the minimum energy
4 efficiency standards for products under sections 701.500 to 701.515. The
5 advisory group shall consist of the following ten members who shall be
6 appointed, in staggered terms, by the director:

7 (1) A representative from the public service commission who is
8 knowledgeable in energy efficiency;

9 (2) A representative of the office of public counsel;

10 (3) A representative of an electric or natural gas utility who is
11 knowledgeable in energy efficiency;

12 (4) The director of the energy center at the department of
13 natural resources, or his or her designee;

14 (5) Three representatives from the appliance manufacturing
15 industry; and

16 (6) Three representatives with technical knowledge in energy
17 efficiency and appliances, including but not limited to, electrical or
18 energy engineers.

19 2. Each member shall serve a term of three years and may be
20 reappointed. The advisory group members shall serve without
21 compensation but may be reimbursed for expenses incurred in
22 connection with their duties. The advisory group shall meet as needed,
23 but not less than two times per year. The department shall provide
24 staff for the advisory group.

701.512. 1. The department shall adopt procedures for testing
2 the energy efficiency of the new products covered by sections 701.500
3 to 701.515. The department shall use United States Department of
4 Energy approved test methods, or in the absence of such test methods,

5 other appropriate nationally recognized test methods. The
6 manufacturers of such products shall cause samples of their products
7 to be tested in accordance with the test procedures adopted pursuant
8 to sections 701.500 to 701.515.

9 2. Manufacturers of new products covered by sections 701.500 to
10 701.515 shall certify to the director that such products are in
11 compliance with the provisions of sections 701.500 to 701.515. The
12 director shall promulgate regulations governing the certification of
13 such products and may coordinate with the certification program of
14 other states with similar standards.

15 3. Manufacturers of new products covered by sections 701.500 to
16 701.515 shall identify each product offered for sale or installation in the
17 state as in compliance with the provisions of section 701.500 to 701.515
18 by means of a mark, label, or tag on the product and packaging at the
19 time of sale or installation. The director shall promulgate regulations
20 governing the identification of such products and packaging, which
21 shall be coordinated to the greatest practical extent with the labeling
22 programs of other states and federal agencies with equivalent
23 efficiency standards.

24 4. The director may test products covered by sections 701.500 to
25 701.515. If products so tested are found not to be in compliance with
26 the minimum efficiency standards established under section 701.503,
27 the director shall:

28 (1) Charge the manufacturer of such product for the cost of
29 product purchase and testing, and

30 (2) Make information available to the public on products found
31 not to be in compliance with the standards.

32 5. The director may cause periodic inspections to be made of
33 distributors or retailers of new products covered by sections 701.500 to
34 701.515 in order to determine compliance with the provisions of these
35 sections.

36 6. The director is hereby granted the authority to adopt such
37 further regulations as necessary to insure the proper implementation
38 and enforcement of the provisions of sections 701.500 to 701.515. Any
39 rule or portion of a rule, as that term is defined in section 536.010,
40 RSMo, that is created under the authority delegated in this section

41 shall become effective only if it complies with and is subject to all of
42 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
43 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
44 of the powers vested with the general assembly pursuant to chapter
45 536, RSMo, to review, to delay the effective date, or to disapprove and
46 annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after August
48 28, 2008, shall be invalid and void.

701.515. 1. The director shall investigate complaints received
2 concerning violations of sections 701.500 to 701.515 and shall report the
3 results of such investigations to the attorney general. The attorney
4 general may institute proceedings to enforce the provisions of sections
5 701.500 to 701.515. Any manufacturer, distributor, or retailer who
6 violates any provision of sections 701.500 to 701.515 shall be issued a
7 warning by the director for any first violation. Repeat violations shall
8 be subject to a civil penalty of not more than two hundred fifty
9 dollars. Each violation shall constitute a separate offense, and each
10 day that such violation continues shall constitute a separate
11 offense. Penalties assessed under this section are in addition to costs
12 assessed under subsection 4 of section 701.512.

2. Notwithstanding the provisions of subsection 1 of this section
14 to the contrary, any person who issues a certification that a product
15 listed in sections 701.500 to 701.515 complies with the energy efficiency
16 standards established under sections 701.500 to 701.515, knowing that
17 such product does not comply with those standards, shall be liable for
18 a civil penalty of not more than ten thousand dollars for each such
19 product certified and an additional penalty of not more than ten
20 thousand dollars for each day during which such violation continues.

✓